

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 96-11
(October 3, 1996; Withdrawn October 11, 2006)

**Propriety of Responding to Surveys from Organizations
That Endorse Political Candidates**

Issues

May a candidate for judicial office respond to a questionnaire that seeks the candidate's views on disputed political and legal issues?

Answer: No.

Facts

A candidate for justice of the peace received a questionnaire from a political interest group. The survey seeks the candidate's opinions on public policy issue matters such as abortion and child care programs. The group intends to use the survey results to select candidates for the group's endorsement.

Discussion

Responding to the questionnaire is clearly proscribed by Canon 5B(1)(d)(iv). The canon provides that "[a] candidate, including an incumbent judge, for a judicial office . . . shall not . . . announce the judge's views on disputed political or legal issues." *See* Florida, Opinion 78-15. The matters mentioned above are disputed political issues. Revealing the judge's views about them to a political interest group "announce[s]" them within the meaning of Canon 5.

Other portions of Canon 5 may also apply. A judicial candidate may not "make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court." Canon 5B(1)(d)(ii). If an answer to a survey question would indicate how the judge would rule on a legal issue, the answer cannot be given. Moreover, the proscription of Canon 5A(5) guides political conduct generally: "Except as otherwise permitted in this code, a judge shall not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice." The expression of views on disputed political issues is not expressly permitted by the code, and if the issues do not involve measures to improve the law, the legal system or the administration of justice, then judicial candidates may not announce their views.

Advisory Opinion 96-11

Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 5A(5), 5B(1)(d)(ii) and 5B(1)(d)(iv) (1993).

Other References

Florida Committee on Standards of Conduct Governing Judges, Opinion 78-15 (1978).

Notice

This opinion was withdrawn on October 11, 2006, in Advisory Opinion 06-05.